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October 4, 2013

VIA ECF

Hon. Thomas J. McAvoy
United States District Court
Northern District of New York
James T. Foley Courthouse
445 Broadway
Albany, NY 12207

Re: *Marissa Angelique Fournier v. Bank of America Corporation, et al.*,
Case No. 13-cv-00702 (TJM) (ATB)

Dear Judge McAvoy:

This firm represents Bank of America Corporation and Bank of America, N.A., for itself and as successor by merger to BAC Home Loans Servicing, LP, sued herein as BOA Home Loan Servicing, LP (collectively "Defendants") in the action referenced above. On September 5, 2013, Defendants filed a motion to dismiss this action in its entirety.

Thereafter, the Court issued a Notice setting the motion for Your Honor's October 15, 2013 motion calendar and establishing deadlines of September 27, 2013 for Plaintiff to file opposition to Defendants' motion and October 4, 2013 for Defendants to file reply papers in further support of their motion.

Plaintiff has not served Defendants with opposition to the motion to dismiss, nor does the docket reflect the filing of any opposition to the motion. Because Plaintiff has not opposed their motion, there is no need for Defendants to submit a reply.

Defendants request that their motion to dismiss be considered on submission and that no appearances be required on the October 15 motion date.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott H. Kaiser".

Scott H. Kaiser

cc.: Marissa Angelique Fournier (*pro se* Plaintiff) (via U.S. mail)

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